

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2135

Rhoads et al.

Conf. No.: 8157

Application No.: 09/476,686

Filed: December 30, 1999

VIA ELECTRONIC FILING

For: PERSONAL AUDIO APPLIANCE

Examiner: H. Song

Date: September 25, 2007

Petition to Withdraw From Issue Under 37 CFR 1.313(c)(2)**Mail Stop 313(c)**

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition to have the above-identified application withdrawn from issue under 37 CFR 1.313(c)(2). A Request for Continued Examination (RCE), Information Disclosure Statement (IDS) and Amendment are filed concurrently herewith.

The reasons for our request to withdraw from issue are two-fold.

First, we would like to have additional art considered and listed on the issued patent. An IDS and Form-1449 accompany this Petition.

Second, we would like to have additional claims entered and considered as shown in the concurrently filed "Amendment Accompanying Request for Continued Examination".

This Petition is also filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) and an "Amendment Accompanying Petition to Revive." (We received a Notice of Drawing Inconsistency dated August 6, 2007. Unfortunately, the Notice was received but not added to our docketing system; as a result, the subject application was unintentionally abandoned on September 6, 2007. The concurrently filed Petition for Revival seeks to revive the application.)

The Office is authorized to charge any fees needed to consider this Petition including a petition fee under 37 CFR 1.17 and RCE fee to our Deposit Account No. 50-1071.

The undersigned can be reached at 503-469-4685 if there are any questions associated with this Petition.

Date: September 25, 2007

Respectfully submitted,

Customer No. 23735

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